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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,202	01/07/2004	Paul H. Edwards	016743-9002	5345
1131	7590	07/14/2006	EXAMINER	
MICHAEL BEST & FRIEDRICH LLP Two Prudential Plaza 180 North Stetson Avenue, Suite 2000 CHICAGO, IL 60601			GREENHUT, CHARLES N	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/753,202

Applicant(s)

EDWARDS ET AL.

Examiner

Charles N. Greenhut

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**I. Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 1-8, 12-15, 20-24, 32, and 36-39 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over COHN (US 6,010,298 A) in view of LEWIS (US 6,602,041 B2).

1.1. With respect to claim 1, COHN discloses a ramp platform (28), carriage (at 62), a motor (72), a drive shaft (74), drive pulley (76), belt (80), and a release assembly (400). COHN fails to disclose the release assembly configured to disconnected and connect the drive pulley from the motor. LEWIS teaches a release assembly (3028) configured to connect and disconnect a drive pulley (shown with sprocket 4080b), from the motor (3052). It would have been obvious to one of ordinary skill in the art to modify COHN with the clutch mechanism of LEWIS in order to selectively engage or disengage the motor from the drive.

1.2. With respect to claim 2, COHN additionally discloses a release cable (464), and a release actuator (402).

1.3. With respect to claim 3, COHN fails to teach a sliding collar mounted on the drive shaft and pin extending therefrom. LEWIS teaches a sliding collar mounted on the drive shaft (4152) and pin extending therefrom (4160). It would have been obvious to one of ordinary skill in the art to modify COHN with the sliding collar and pin of LEWIS in order to selectively engage or disengage the motor.

- 1.4. With respect to claim 4, COHN additionally discloses a first end pivotable and a second end engaged with a sliding collar (Fig. 39).
- 1.5. With respect to claim 5, COHN additionally teaches a keyed collar. It would have been obvious to one of ordinary skill in the art to modify the clutch collar with a key in order to torsionally secure the collar to the shaft thereby enabling the transmission of torque.
- 1.6. With respect to claim 6, COHN fails to teach an opening for the passage of the pin. LEWIS teaches an opening for the passage of the pin. It would have been obvious to one of ordinary skill in the art to modify COHN with the opening of LEWIS to allow the pin to penetrably engage the collar thereby allowing for the transmission of torque.
- 1.7. With respect to claim 7, COHN additionally teaches the pulley having an opening.
- 1.8. With respect to claim 8, COHN fails to teach a stop collar on the drive shaft and a spring between the stop collar and sliding collar. LEWIS teaches a stop collar (4172) and spring (4170).
- 1.9. With respect to claim 12, COHN additionally discloses guide shafts (46), linear bearings (88) and pivot arms (84).
- 1.10. With respect to claim 13, COHN additionally discloses a member extending orthogonally between the pivot arms (28) and a torsion bar (82).
- 1.11. With respect to claim 14, COHN additionally discloses a torsion spring (301).

- 1.12. With respect to claim 15, COHN additionally discloses a bar (46) extending between the torsion bar and the end of the ramp providing a downward force against the end of the ramp (via 50).
- 1.13. With respect to claim 20, COHN additionally discloses the carriage having a profile approximately equal to that of the ramp (Fig. 9).
- 1.14. With respect to claim 21, COHN discloses providing a platform (28), carriage (at 62), a motor (72), a drive shaft (74), drive pulley (76), belt (80), and a release assembly (400). COHN fails to disclose the release assembly disconnecting and connecting the drive pulley from the motor. LEWIS teaches a release assembly (3028) configured to connecting and disconnecting a drive sprocket from the motor (3052). A sprocket-chain actuator arrangement is a well-known equivalent to a belt-pulley actuator arrangement. The clutch mechanism of LEWIS could easily be adapted for use with a belt-pulley drive as opposed to a chain-sprocket. It would have been obvious to one of ordinary skill in the art to modify COHN with the clutch mechanism of LEWIS in order to selectively engage or disengage the motor from the drive.
- 1.15. With respect to claim 22, COHN discloses a release actuator (402).
- 1.16. With respect to claim 23, COHN additionally discloses pulling the release actuator with a cable (184).
- 1.17. With respect to claim 24, COHN additionally discloses pivoting the release actuator.

- 1.18. With respect to claim 32, COHN additionally discloses manually controlling the ramp when the pulley is disengaged from the motor.
  - 1.19. With respect to claim 36, COHN additionally discloses providing pivot arms (84), linear bearings (88), and guide shafts (46)/(54).
  - 1.20. With respect to claim 37, COHN additionally discloses a member extending orthogonally between the pivot arms (28) and a torsion bar (82).
  - 1.21. With respect to claim 38, COHN additionally discloses a torsion spring (301).
  - 1.22. With respect to claim 39, COHN additionally discloses providing a downward force against the end of the ramp (via 50).
  - 1.23. With respect to claims 45 and 46, COHN fails to show the belt connected to the drive pulley when the motor is disengaged from the drive pulley. This limitation is a function of the type of clutch mechanism used. If the clutch mechanism of LEWIS, as discussed above, were substituted for that of COHN the result would be that the belt remains connected to the drive pulley when the motor is disconnected from the drive pulley. Note the analogous situation in LEWIS, where the chain 3056 remains engaged with the drive sprocket (4080b) when the motor (3052) is disengaged from that drive sprocket.
2. Claim(s) 9-11, and 33-35 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over COHN (US 6,010,298 A) in view of LEWIS and further in view of HOLECEK (US 3,983,584 A).
- 2.1. With respect to claim 9, COHN additionally teaches a bearing block (116), and cable (184). COHN fails to teach a crank. HOLECEK teaches a crank (31). It would have

been obvious to one of ordinary skill in the art to modify COHN in view of LEWIS with the crank of HOLECEK in order to gain a mechanical advantage thereby facilitating manual actuation of the ramp.

- 2.2. With respect to claim 10, COHN teaches a pulley. It would have been obvious to one of ordinary skill in the art to modify the pulley of COHN to communicate with the crank handle to provide a mechanical advantage during manual actuation. COHN fails to teach a handle. HOLECEK teaches a handle (49). It would have been obvious to one of ordinary skill in the art to modify COHN in view of LEWIS with the handle of HOLECEK in order to facilitate gripping the crank.
- 2.3. With respect to claim 11, COHN fails to teach a shaft connected to the handle and a one way bearing. HOLECEK teaches a shaft (47) connected to the handle (49) and a one-way bearing (88). It would have been obvious to one of ordinary skill in the art to modify COHN in view of LEWIS with the shaft and handle of HOLECEK in order to prevent unwanted movement of the ramp.
- 2.4. With respect to claim 33, COHN additionally teaches a manual control bearing block (116). COHN fails to teach translating with a manual control cable. HOLECEK teaches translating with a manual control cable (22). It would have been obvious to one of ordinary skill in the art to modify COHN in view of LEWIS with the cable of HOLECEK in order to obtain smooth controlled movement of the ramp.
- 2.5. With respect to claim 34, COHN teaches a pulley. It would have been obvious to one of ordinary skill in the art to modify the pulley of COHN to communicate with the crank handle to provide a mechanical advantage during manual actuation. COHN

fails to teach a crank handle. HOLECEK teaches a crank handle (49). It would have been obvious to one of ordinary skill in the art to modify COHN in view of LEWIS with the handle of HOLECEK in order to facilitate gripping the crank.

2.6. With respect to claim 35, COHN fails to teach allowing the pulley to rotate in only one direction. HOLECEK teaches allowing the pulley to rotate in only one direction. It would have been obvious to one of ordinary skill in the art to modify COHN in view of LEWIS with the shaft and handle of HOLECEK in order to prevent unwanted movement of the ramp.

3. Claim(s) 16-19, 40, and 41-44 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over COHN (US 6,010,298 A) in view of LEWIS and further in view of GRANT (US 5,257,894 A).

3.1. With respect to claim 16, COHN additionally teaches a ramp flap and hinge (42). COHN fails to teach a wheel attached to the flap. GRANT teaches a wheel attached to the flap (68b). It would have been obvious to one of ordinary skill in the art to modify COHN in view of LEWIS with the wheel of GRANT to enable smooth actuation of the flap and protect the ramp.

3.2. With respect to claim 17, COHN fails to teach a flap actuator bracket. GRANT teaches a flap actuator bracket (68a). It would have been obvious to one of ordinary skill in the art to modify COHN with the bracket of GRANT to enable smooth actuation of the flap and protect the ramp.

3.3. With respect to claim 18, COHN additionally teaches side lips (108).

- 3.4. With respect to claim 19, COHN fails to teach a cutout. GRANT teaches a cutout (28). While the cutout in GRANT receives the locking member not the wheel, the wheel drops over the proximal edge of the ramp. It would have been obvious to one of ordinary skill in the art to modify COHN in view of LEWIS with a cutout to receive the wheel as opposed to an edge in order to more smoothly actuate the flap via movement of the ramp.
- 3.5. With respect to claim 40, COHN additionally teaches a ramp flap and hinge (42). COHN fails to teach a wheel attached to the flap. GRANT teaches a wheel attached to the flap (68b). It would have been obvious to one of ordinary skill in the art to modify COHN in view of LEWIS with the wheel of GRANT to enable smooth actuation of the flap and protect the ramp.
- 3.6. With respect to claim 41, COHN fails to teach a flap actuator bracket. GRANT teaches a flap actuator bracket (68a). It would have been obvious to one of ordinary skill in the art to modify COHN in view of LEWIS with the bracket of GRANT to enable smooth actuation of the flap and protect the ramp.
- 3.7. With respect to claim 42, COHN fails to teach a cutout. GRANT teaches a cutout (28). While the cutout in GRANT receives the locking member not the wheel, the wheel drops over the proximal edge of the ramp. It would have been obvious to one of ordinary skill in the art to modify COHN in view of LEWIS with a cutout to receive the wheel as opposed to an edge in order to more smoothly actuate the flap via movement of the ramp.

3.8. With respect to claim 43, COHN teaches rotating a motor shaft (74), drive pulley (76), belt (80), ramp carriage assembly (108), and pivoting the platform (Fig. 2). COHN fails to teach dropping wheels of the flap into a cutout. GRANT teaches a cutout (28). While the cutout in GRANT receives the locking member not the wheel, the wheel drops over the proximal edge of the ramp. It would have been obvious to one of ordinary skill in the art to modify COHN in view of LEWIS with a cutout to receive the wheel as opposed to an edge in order to more smoothly actuate the flap via movement of the ramp.

3.9. With respect to claim 44, COHN teaches rotating a motor shaft (74), drive pulley (76), belt (80), ramp carriage assembly (108), and pivoting the platform (Fig. 2). COHN brackets affixed to wheels on the ramp flap. GRANT teaches a bracket (68a) having wheels (68b) attached to the flap. It would have been obvious to one of ordinary skill in the art to modify COHN in view of LEWIS with the bracket and wheels of GRANT to enable smooth actuation of the flap and protect the ramp.

4. Claim(s) 25-31 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over COHN (US 6,010,298 A) in view of LEWIS and further in view of HUNTER (US 1,024,580 A).

4.1. With respect to claim 25, COHN fails to teach translating a sliding collar along the drive shaft. HUNTER teaches translating a sliding collar (16) along the drive shaft (4). It would have been obvious to one of ordinary skill in the art to modify COHN in view of LEWIS with the clutch of HUNTER in order to selectively engage or disengage the motor.

- 4.2. With respect to claim 26, COHN fails to teach a pin engaging and disengaging the drive pulley. HUNTER teaches a pin (10) engaging and disengaging the drive pulley (2). Note: HUNTER teaches female member (2) being either the driving or driven member and of any suitable power transmission means. It would have been obvious to one of ordinary skill in the art to modify COHN in view of LEWIS with the clutch of HUNTER in order to selectively engage or disengage the motor.
- 4.3. With respect to claim 27, COHN additionally teaches a keyed collar (Fig. 7).
- 4.4. With respect to claim 28 and 29, COHN fails to teach passing/removing a pin of the sliding collar through an opening in the keyed collar. HUNTER teaches passing/removing a pin (10) of the sliding collar (16) through an opening (9) in the keyed collar (5). It would have been obvious to one of ordinary skill in the art to modify COHN in view of LEWIS with the clutch of HUNTER in order to selectively engage or disengage the motor.
- 4.5. With respect to claim 30, COHN additionally teaches a spring bias opposing the release actuator (460). It would have been obvious to one of ordinary skill in the art to put the spring bias on a collar in order to bias the clutch into an engaged position thereby preventing an unsafe condition.
- 4.6. With respect to claim 31, COHN fails to teach engaging the motor by inserting the pin. HUNTER teaches engaging the motor by inserting the pin (10). It would have been obvious to one of ordinary skill in the art to modify COHN in view of LEWIS with the clutch pin of HUNTER in order to selectively engage or disengage the motor.

## **II. Response to Applicant's Arguments**

Applicant's arguments entered 5/1/06 have been fully considered.

1. Applicant argues that claim 1 and 21, as amended, are not anticipated by COHN because COHN does not teach a release assembly configured to disconnect and connect the drive pulley from the motor, nor disconnecting and connecting the drive pulley from the motor, respectively. This argument is persuasive. The rejection under 35 USC 102(b) is, therefore, withdrawn. However, a new grounds of rejection under 35 USC 103(a) over COHN in view of LEWIS is presented above. Applicant correctly asserts that COHN uses a belt tensioner to engage and disengage the belt from the drive pulley and thereby switch from automatic to manual mode. The drive pulley in COHN is at all times connected to the motor. Applicant incorrectly asserts, however, that this limitation is not taught by LEWIS. The clutch mechanism (3028)/(Fig. 51) of LEWIS is provided to engage and disengage the motor from the drive sprocket (4080b)/(Fig. 52). This clutch mechanism could obviously be used to engage and disengage the motor from a pulley as well. Therefore, claims 1 and 21, as presented in the amendment filed 5/1/06, do not define patentable subject matter.
2. Applicant argues that the remaining claims are allowable based on their dependence from allowable claims 1 and 21. Since claims 1 and 21 are not found to be allowable, this argument is not persuasive.

## **III. Conclusion**

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

2. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.
4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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